



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,631	12/14/2000	Charles M. Link II	BELL-0023/99213	8042
45695	7590	09/19/2006	EXAMINER	
WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/736,631	LINK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 18, 20-27, 29, 30, 32, 34-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 18, 20-27, 29-30, 32, 34-41, 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 7, 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 18, 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claims 18 and 32 recite signaling the computing device according to a protocol based on a Bell 202 modem signaling protocol. However, the claims from which claims 18 and 32 depend recite signaling by providing a recognizable dial tone in response to the computing device periodically and

automatically causing the communications line to be off-hook (claims 16 and 30). The specification does not provide for signaling a computer device using both methods to notify the computer device of an incoming message. On page 12, lines 13-30 describe dispensing with the on-hook signaling protocol when notification takes place by a recognizable dial tone. Therefore, notification takes place using either an on-hook signaling protocol or the recognizable dial tone, not both.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 20, 22-27, 29-30, 34, 36-41, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossemeyer, Jr. et al. (US 6,490,444, hereinafter "Bossemeyer") in view of Henderson (US 6,724,867).

Regarding claims 16, 20, 22-27, 29-30, 34, 36-41, 43, Bossemeyer discloses a system for notifying a computing device (subscriber terminal 60 can be a personal computer; col. 5, line 66 - col. 6, line 4) of an incoming message (data message), the system comprising:

a computing device (subscriber terminal 60 can be a personal computer; col. 5, line 66 - col. 6, line 4);

a message server (data message platform 40 coupled to a data network 200; Fig. 2; Fig. 3, step 100) for receiving the incoming message (data message is received at the data message platform; Fig. 6, step 100);

a public communications system (telecommunications network 60 coupled to data message platform 40), the message server for securely communicating to the communications system that the incoming message awaits retrieval by the computing device (message waiting signal is transmitted to the telecommunications network; Fig. 6, step 104); and

a communications line (telephone line connecting telecommunications network node 250 with subscriber terminal 80), the communications system for signaling the computing device over the communications line that the incoming message awaits retrieval by such computing device (message waiting indication is transmitted to the subscriber terminal; Fig. 6, step 108),

wherein the incoming message includes a destination address (subscriber's email address; col. 3, lines 60-61), and wherein the communications line is identified by an identifier (telephone number of the subscriber; col. 3, lines 59-60), the system further comprising a database (subscriber database 230 is indexed by message address so that the subscriber's telephone number is retrieved so that a message waiting indication can be transmitted to the subscriber via the telephone line; col. 4, lines 17-46).

Bossemeyer differs from the claims in that although it teaches the use of a stutter-dial-tone for indicating a waiting email message (col. 3, lines 17-25), it does not specify the computer periodically and automatically causing the communications line to be off-hook and, in response to the recognizable dial tone, automatically querying the message server for the incoming message. However, Henderson teaches the well known use of a CPE device (which can be a computer; col. 4, line 56) which periodically and automatically causes the telephone line to be off-hook (step 204 in Figure 2) and, in response to a stutter dial tone (step 206), automatically establishes communication (step 207) with the message center to retrieve the waiting message (col. 7, lines 8-42), the message can be an email message (col. 7, lines 46-47). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate such periodic and automatic checking for a stutter dial tone, as taught by Henderson, within the system of Bossemeyer in order to automate the message checking step when a stutter dial tone indication is used.

Regarding claims 20, 23, 25, 26, 27, 34, 37, 39, 40, 41, in Bossemeyer, the communication system involves a telecommunications network 60 with a telephone line to subscriber terminal 80 (see Figure 2), the line identifier is a telephone number associated with the email address (see Fig. 6, step 140) and a message is transmitted to the telephone line indicating that a message is waiting for that particular subscriber (col. 4, lines 25-38).

Art Unit: 2614

Regarding claims 22, 36, data message platform 40 can be coupled to the telecommunications network 60 via a service control point (col. 2, lines 42-53).

Regarding claims 24, 29, 38, 43, in Bossemeyer, data message platform 40 is an email server connected to data network 200 (col. 2, lines 65-66).

6. Claims 21 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bossemeyer and Henderson, as applied to claims 16 and 30 above, and further in view of Cook (US 6,732,101).

The combination of Bossemeyer and Henderson differs from claims 21 and 35 in that it does not specify communicating in an encrypted manner. However, Cook teaches the desirability of communicating email messages using encryption (Abstract) in order to prevent unauthorized eavesdropping (col. 1, lines 18-38; col. 2, lines 39-55). It would have been obvious to an artisan of ordinary skill to incorporate such use of encryption, as taught by Cook, within the combination of Bossemeyer and Henderson in order to provide secure email services.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 16, 18, 20-27, 29-30, 32, 34-41, 43 have been considered but are moot in view of the new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number

is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614